IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO. 1298 OF 1989

Polarold India Pvt. Ltd. ... Petitioner.

V/s.

Nav Nirman Co. & Ors. ... Respondents.

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Mr. Mustafa S. Motiwala for the Petitioner.
None for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

4TH MAY, 2007.

P.C. :

. The Court has been informed that the order of this Court dated 12th January 2001 admitting the Company Petition for winding up was carried in Appeal and the Appeal was admitted on 31st July 2001. As and by way of an interim order, the operation of the order of admission was stayed.

2. There is an office noting to the effect that the Petition has not been published. The Court is now informed that the disputes between the parties have been

settled and consent terms were filed in the Summary Suit between the parties (Summary Suit 1007 of 2003) on 9th April 2007. Clause 7 of the consent terms provides for the withdrawal of the other proceedings pending in this Court. The proceedings in Annexure 'A' include the Company Petition which is at Serial No.C of the Annexure. Since the order of admission has been stayed and as a result the publication of the admission has not been effected, there can be no objection to the dismissal of the Company Petition for non-prosecution since the parties have settled the dispute.

3. The Company Petition is on the request of the Petitioner dismissed for want of prosecution.

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